

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

16 MAY 2000

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Keith A. Holliday, presiding; Council members Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Tom Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Tracey Harvey, employee in the Housing and Community Development Department, who served as courier for the meeting.

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The Mayor outlined the Council procedure for conduct of the meeting.

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The Mayor stated that a request had been made to continue item #14, an ordinance rezoning from Conditional Use-Light Industrial to Conditional Use-Light Industrial for property located on the east side of Guilford College Road between Nicholas Road and Bramblegate Road.

At the request of the applicant because of a death in the family, Councilmember D. Vaughan moved that the ordinance rezoning from Conditional Use-Light Industrial to Conditional Use-Light Industrial for property located on the east side of Guilford College Road between Nicholas Road and Bramblegate Road be continued to the 6 June 2000 Council meeting without further advertising. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of Council.

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The Mayor introduced a resolution directing the filing with the City Clerk of the budget estimate for the fiscal year 2000-01.

After Council discussed the proposed meeting time specified in the resolution for the upcoming public hearing on the budget, Councilmember Jones moved to amend the resolution to change the starting time for the public hearing on the budget from 6:00 p.m. to 5:30 p.m. The motion was seconded by Councilmember D. Vaughan and the motion to amend the resolution was adopted by voice vote of 8-1.

Presenting the 2000-01 proposed budget, City Manager Kitchen thanked Larry Davis, Budget Director, and the Budget and Evaluation Department staff for their work on this budget. The Manager outlined key strategic issues and service priorities identified by the City Council as Natural Resource /Growth Management, Crime/Public Safety, Community/Race Relations and Maintenance of Existing Facilities/Assets. He stressed the need for the City to continue to focus on addressing current issues while maintaining excellent levels of service without increasing costs.

Highlighting Natural Resource/Growth Management services, the Manager identified water resources as the top priority and reviewed proposed funding of ongoing projects including the Randleman Reservoir, Reidsville

water line, completion of the expansion of the Osborne Waste Water Treatment Plant; and funding new water resources staff positions to accommodate various needs. The Manager stated that additional proposed Natural Resource/ Growth Management services addressed building a solid waste capital reserve fund in anticipation of Phase III landfill closure and post closure expenses and comprehensive planning for organizational staffing, technology and consulting support.

The Manager provided an overview of various other proposals in strategic areas of focus in the proposed budget including Crime and Public Safety enhancements for the Police and Fire Departments, Community /Race Relations enhancements in various City departments and Maintenance of Existing Facilities/Assets. Other highlights he noted included adding a new plans review officer in response to community requests to streamline the permitting process for development, continued funding for downtown infill development and maintenance of existing fund balance policies.

Regarding taxes and fees, the City Manager stated that no property tax increase was proposed and taxes would remain at 58.25 cents; however, a proposal was included to decrease the general fund tax rate to 56.50 cents and increase the transit fund tax rate to 1.75 cents. Noting that no increases were planned for water and sewer rates, the Manager proposed a modest increase in solid waste fees with respect to residential fees and commercial bulk container fees.

The Manager outlined proposed capital financing strategies; he emphasized a proposed reduction of utilizing debt service financing for housing programs and an increase in budgeted capital reserve items for more pay-as-you-go financing. He noted that a fall bond referendum would propose 100-135 million dollars for additional enhancements to transportation, parks and recreation, public safety and libraries.

The Manager stated that slower economic growth was a likely occurrence in the near future. He noted that other future budget considerations would involve the fall bond issues and the future expenses of water such as Randleman Dam.

In terms of new management initiatives, the Manager explained that efforts to restructure the organization for maximum effectiveness would continue and experimentation with managed competition was proposed with Parks and Recreation landscaping and maintenance mowing crews. He requested Council to look at cost accounting for full time equity positions as opposed to whole positions, noting that further explanation would be provided at the upcoming budget work sessions.

In conclusion, the Manager stated he had requested staff to look at streamlining and perhaps eliminating certain programs that were once important but not as relevant today, in order to create greater efficiency in the organization.

The proposed budget estimate for the fiscal year 2000-01 and stated that a copy of the document was distributed to Council. The Manager stated this document was on file for public review in the Budget Office, City Clerk's Office, public library branches and City web page. He reminded Council of upcoming budget work sessions and the special meeting for the public hearing on the budget.

The Mayor commended the City Manager and staff for their work on the budget.

Councilmember Vaughan moved the adoption of the resolution, as amended. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

80-00 RESOLUTION DIRECTING THE FILING WITH THE CITY CLERK OF THE BUDGET ESTIMATE FOR THE FISCAL YEAR 2000-01

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The budget estimate of the City of Greensboro for the fiscal year beginning July 1, 2000, which was this day submitted to the City Council, is hereby ordered filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

Section 2. A copy of said budget estimate shall be made available to all news media in the County.

Section 3. This resolution shall be published in at least one newspaper published in the city and shall serve as notice that the budget estimate has been presented to the City Council, that a copy of same is on file for public inspection in the office of the City Clerk, and as notice of the time and place of the public hearing as set out below.

Section 4. A public hearing shall be held in the City Council Chamber at 5:30 p.m. on May 30, 2000, at which time the City Council will hear from any persons who may wish to be heard on the budget.

(A copy of the Manager's presentation of highlights of the "City of Greensboro's recommended budget for 2000-2001 and Projected Budget for 2001-2002" is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The Mayor introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to administration.

The Manager distributed to Council the proposed agenda for the public hearing on the budget.

The City Attorney advised that this ordinance would need to be amended to reflect a starting time of 5:30 p.m. for the upcoming public hearing for the budget.

Following brief discussion with respect to setting the budget public hearing for 5:30 instead of 6:00 p.m., the City Attorney advised that the respective ordinance would also need to be amended. Councilmember Jones moved to amend the ordinance to reflect a meeting time of 5:30 for the budget public hearing. The motion was seconded by Councilmember D. Vaughan. The motion to amend the ordinance was unanimously adopted by voice vote of the Council.

Councilmember Johnson moved adoption of the ordinance, as amended. The motion was seconded by Councilmember D. Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None

00-81 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a special meeting of the City Council for 5:30 p.m. on May 30, 2000, for the purpose of conducting a public hearing on the budget.

Section 2. That this ordinance is effective immediately upon adoption.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Earl Jones

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances to add a new subsection to Historic District provisions

pertaining to demolition by neglect of historic landmarks and structures within the Historic Overlay Districts; he stated this matter being continued from the 15 February and 7 March 2000 meetings of Council.

The Mayor asked if anyone wished to be heard.

Mike Cowhig, Community Planner from the Housing and Community Development Department, stated that a brief presentation by members of Historic District Commission would outline and recommend the provisions of this ordinance.

Mary Eubanks, residing at 109 Elmwood Terrace and representing the Greensboro Historic District Commission, spoke in favor of the ordinance. She explained that North Carolina State law permitted demolition by neglect in the late 1980s and that its purpose was to allow the Historic Preservation Commission, through due process, to take measures to prevent demolition resulting from negligence in structural maintenance. She stated that this provision, if adopted, would not supercede substandard minimum housing standards and would only be imposed where evidence of severe structural deterioration existed. She requested Council to adopt the ordinance.

Robert Lauver, residing at 107 Cypress Street, discussed details of the provisions of the ordinance and provided examples of the manner in which the Historic Preservation Commission could use the ordinance if it were adopted. He requested Council to adopt the ordinance.

Charles Newell, residing at 407 Cypress Street, spoke to the history of architectural preservation in Greensboro and requested Council to adopt the ordinance.

E.R. Van Deusen, residing at 300 Tate Street, shared with the Council his opinions regarding historical districts and neighborhood associations. He stated he was not in favor of historic district regulations and requested Council to vote against the ordinance.

After Council requested clarification regarding petition signature requirements, Mr. Cowhig advised that the ordinance did not specify how many signatures were eligible per household. The City Attorney advised that a five signature petition requirement was common to similar petition processes and advised that Council could move to amend the ordinance to specify that one adult resident per household be eligible per signature. Councilmember Vaughan thereupon moved that the ordinance specify eligibility of one adult resident per household for petition signature; the motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

Jim Clark, residing at 935 Carr Street, thanked Mr. Cowhig for his work with the community and requested Council to amend the provision requiring signatures on a petition from five to ten signatures to require a higher level of community input.

Following discussion regarding processes requiring signatures used by other departments, processes of the Historic District Commission, and areas to which the ordinance would be applicable, Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

Frank Lew, residing at 406 East McCullough Street, stated he wished to speak to this matter.

Councilmember Carmany moved to reopen the public hearing. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

Because Mr. Lew spoke to a housing concern that was not relative to the public hearing item, the Mayor suggested Mr. Lew discuss his concern outside the public hearing with Housing Director Andy Scott.

Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

Councilmember D. Vaughan moved to amend section 2 B. to require for a petition, ten adult signatures from individual residences instead of five signatures. The motion was seconded by Councilmember Carmany and adopted by an 8-1 voice vote of the Council.

Councilmember D. Vaughan thereupon moved adoption of the ordinance, as amended. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-82 AMENDING CHAPTER 30

AN ORDINANCE AMENDING CHAPTER 30 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 30-4-4.2, Historic Districts, is hereby amended by adding a new subsection to read as follows:

“30-4-4.2(H) *Prevention of Demolition by Neglect of Historic Landmarks and Structures within Historic Overlay Districts*

(1) STANDARDS: The exterior features of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an Historic Landmark or found to have significance located within the Historic Overlay District shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

- (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- (b) Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
- (c) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
- (d) Deterioration or crumbling of exterior plasters or mortars.
- (e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint, or weathering due to lack of paint or other protective covering.
- (g) Rotting, holes, and other forms of decay.
- (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (i) Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
- (j) Deterioration of fences, gates, and accessory structures.

- (k) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

(2) DETERMINATION THAT STRUCTURES REQUIRE CORRECTION TO PREVENT DEMOLITION BY NEGLIGENCE:

Petitions requesting a determination that a structure requires correction to prevent demolition by neglect can be filed with the Historic Preservation Commission in one of three ways: a) by the historic district neighborhood association; or b) with the signature of ten (10) adult individuals who either reside or own property in the historic district; or c) from a Building Inspector or other City official. If after notice and hearing, the Commission determines that any Historic Landmarks and Structures within Historic Overlay Districts as set forth in subsection 30-4-4.2(H)(1) require the correction of deterioration or making of repairs to prevent demolition by neglect as set forth in this Chapter the Commission may choose one of the following options (only one signature per address will count toward the ten signatures required):

(a) Vote to file the Petition with the City of Greensboro Engineering and Inspections Department; or,

(b) With the agreement of the property owner, vote to continue the matter for a specified period of time to allow for necessary repairs to be made. Whenever a property owner is given a specified time to make the necessary repairs in order to prevent demolition by neglect, the property owner may elect to make a claim of undue economic hardship in accordance with the procedure set out in subsection 30-4-4.2(H)(5)(b). The Commission may determine if undue or no undue economic hardship exist at the time the property owner makes a claim for undue economic hardship or within sixty (60) days of the Commission's hearing on the claim. In the event of a finding of undue economic hardship, the provisions concerning a recommended plan to relieve the economic hardship found in subsection 30-4-4.2(H)(5)(d) is applicable.

(3) PETITION AND ACTION: The Historic Preservation Commission or the Guilford County Historic Preservation Commission, whichever has jurisdiction, may file a petition listing specific defects with the Inspections Director requesting that he act under the following procedures to require the correction of deterioration or making of repairs to any Historic Landmark or significant structure located within the Historic Overlay District so that such structure shall be preserved and protected in accordance with the purposes of §30-1-3.5 (Historic District Overlay Purposes) and 30-4-1 (Districts Established and Described) of this Code. Significant structures are defined as those structures identified as having significance based on architectural survey records on file in the Department of Housing and Community Development, and as shown on maps contained in the designation report for each historic district.

(a) Whenever a petition is filed with the Engineering and Inspections Director or his designee charging that a structure is undergoing demolition by neglect, the Director (or a designated agent) shall, if his preliminary investigation discloses a basis for such charges, within seven (7) days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Director at a place within the County in which the property is located therein fixed not less than thirty (30) nor more than forty-five (45) days after the serving of such complaint; that the owner and/or parties in interest shall be given a right to answer to give testimony at the place and time fixed in the complaint; that the commission with jurisdiction shall also be given notice of the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Director. The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or other parties in interest wishes to petition the Greensboro Historic Preservation Commission or Guilford

County Historic Preservation Commission for a claim of undue economic hardship.

(b) If the Commission votes to file the Petition with the City of Greensboro Engineering and Inspections Department, after notice and hearing, the Engineering and Inspections Director or his designee determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, according to the standards of §30-4-4.2 (H)(1), the Director shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated. In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the Director's order shall be stayed until after the Greensboro Historic Preservation Commission's determination in accordance with the procedures of §30-4-4.2 (H)(4), except as provided in §30-4-4.2 (H)(6).

(c) If the owner of property fails to comply with an order to repair, the owner shall be subject to such remedies and penalties as may be provided for by State law and/or by Section 30-4-4.2(H)(8)(Penalties and Remedies).

(4) METHODS OF SERVICE: Complaints or orders issued by the Engineering and Inspections Director or his designee shall be served upon persons either personally or by registered or certified mail; but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Director in the exercise of reasonable diligence, and the Director shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper generally circulated within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(5) SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP:

- (a) When a claim of undue economic hardship is made owing to the effects of this article, the Engineering and Inspections Director or his designee shall notify the Commission with jurisdiction within three (3) days following the hearing on the complaint.

The Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

The petitioner shall present the information provided under subsection (b) to the commission. The Commission may require that an owner and/or parties in interest furnish such additional information that is relevant to its determination of undue economic hardship. The commission may direct its staff to furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

- (b) When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship.
- (i) The minimum evidence shall include for all property:

(aa) Nature of ownership (individual, business, or non-profit) or legal possession, custody, and control.

(bb) Financial resources of the owner and/or parties in interest.

(cc) Cost of repairs.

(dd) Assessed value of the land and improvements.

(ee) Real estate taxes for the previous two (2) years.

(ff) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.

(gg) Annual debt service, if any, for the previous two (2) years.

(hh) Any listing of the property for sale or rent, price asked, and offers received, if any.

(ii) For income-producing property:

(aa) Annual gross income from the property for the previous two (2) years.

(bb) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.

(cc) Annual cash flow, if any, for the previous two (2) years.

(c) Within sixty (60) days of the Commission's hearing on the claim, the commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Commission shall report such finding to the Engineering and Inspections Director or his designee, and the Director shall cause to be issued an order for such property to be repaired within the time specified.

(d) In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The commission shall report such finding and plan to the Engineering and Inspections Director or his designee. The Director shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

(6) APPEALS: Findings made by the Engineering and Inspections Director or his designee or by the Commission with jurisdiction may be appealed to the Board of Adjustment. To perfect such an appeal, application must be filed by an aggrieved party with the Board of Adjustment within ten (10) days following receipt of the order for repair of the property or determination. Appeals shall be in the nature of certiorari.

(7) OTHER CITY POWERS: Nothing contained within this article shall diminish the City's power to declare an unsafe building or a violation of the minimum housing code.

(8) PENALTIES AND REMEDIES: Enforcement of this article may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

(a) Equitable Remedy: The City may apply for any appropriate equitable remedy to enforce the provisions of this article.

(b) Civil Penalty: No civil penalty shall be levied unless and until the Engineering and Inspections Department shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measures must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of civil penalties and other enforcement action. If after the allotted time period has expired and after the hearing of an appeal if any by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in the amount of one hundred dollars (\$100.00) per day of continuing violation.

(c) Effect Repairs: If the owner fails to comply with an order to repair, the City may cause such building to be repaired. The City shall not cause the repair of the property in question until the Historic Preservation Commission shall by resolution or other decree order the City to proceed to make the necessary repairs to property which shall have been found to be in need of correction of deterioration to prevent demolition by neglect as set forth in this chapter. The amount of the cost of such repairs, alterations and improvements shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements. The property owner shall have the option of paying for the cost of such repairs, alterations and improvements either in cash or in five (5) equal annual installments with such installments bearing interest at the rate of six (6) percent per annum from the date of the filing of the lien. If any cost is not paid in cash, the first installment, with interest, shall become due and payable thirty (30) days after the date of the filing of the lien, and one (1) subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the cost is paid in full. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid assessments, in addition to the interest herein provided for, and, in addition, all of the installments remaining unpaid shall at once become due and payable and the property may be sold in the same manner as now prescribed by law for the sale of land for unpaid taxes. The whole cost of such repairs, alterations and improvements may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located on the south side of Hines Chapel Road, east of McKnight Mill Road—45.905 acres. So that these matters could be discussed together the Mayor introduced an ordinance establishing original zoning from county zoning agricultural to city zoning agricultural for property located on the south side of Hines Chapel Road between McKnight Mill Road and Rankin Mill Road and an ordinance establishing zoning for Special Use for mining and quarrying activities for property located on the south side of Hines Chapel

Road between McKnight Mill Road and Rankin Mill Road. He advised that the annexation and zoning matters were continued from the 2 May 2000 meeting of Council.

Mayor Holliday administered the oath to those individuals who wished to speak to these matters.

C. Thomas Martin, Planning Department Director, stated the annexation received unanimous recommendation of the Planning Board, noted the zoning proposal was from agricultural to agricultural with a special use permit for mining and quarrying and explained that conditions could be added when presenting a conditional land use permit.

Mr. Martin reviewed five current conditions and stated the Zoning Commission had added the last condition to address a 100 foot wide vegetative buffer along the eastern, western, and northern property lines and the type of landscaping conditions that would be there. He presented slides and a land use map of the property and surrounding area and stated that the Zoning Commission and Planning Department had recommended in favor of the items.

Mr. Martin provided the following staff presentation:

This request is to obtain a Special Use Permit for mining and quarrying activities.

The property is proposed for establishment of original zoning to Agricultural and this zoning classification permits mining and quarrying activities with approval of a Special Use Permit.

SPECIAL USE CONDITIONS FOR THE REQUESTED SPECIAL USE PERMIT

- 1) Any borrow dirt taken from this property shall not be transported on any public street or roadway adjacent to this property.
- 2) The property shall not be used for solid waste disposal.
- 3) Petitioner will, if it has not already done so, fill in the dip in the existing berm on the property along Hines Chapel Road to match the height of the rest of the berm, leaving in place the existing trees along the berm on Hines Chapel Road. Berm will be of similar quality to existing berms along Nealtown Road.
- 4) Petitioner will, if it has not already done so, remove or spread the mound of stone at the gate entrance to the property.
- 5) Petitioner will, if it has not already done so, build a second berm 60 feet long, to the south of the existing berm across the present entrance to the property, with the northeast corner of the second berm approximately 25 feet from the southern base of the existing berm and the northwest edge of the second berm approximately 62 feet from the existing gate at the northwest corner of the property.
- 6) A one hundred foot wide vegetative buffer will be established along the eastern, northern and western boundaries of the subject property consisting of grass, leyland cypress and pine trees as well as decorative shrubbery along Hines Chapel Road.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 46.3 acres and is located on the south side of Hines Chapel Road between McKnight Mill Road and Rankin Mill Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	AG	Vacant land
North	AG	Three single family dwellings
East	AG	Church & vacant land
South	CU-HI	City landfill

Mr. Martin stated the Planning Department and Zoning Commission recommended that this original zoning request be approved and presented slides of the property and surrounding area.

The Mayor asked if anyone wished to speak to this matter.

Henry Isaacson, attorney with offices located at 101 West Friendly Avenue, spoke in favor of the annexation, zoning and special use permit on behalf of his clients. He requested Council to consider adding the following new conditions agreed upon by the landfill manager and area property owners;

“ Amend the following conditions: 2) so that the property shall not be used for waste disposal of any kind, whether solid or otherwise; 7) That Hines Chapel Road shall not be used as an entrance or exit to the landfill; 8) That solid waste management will limit the hours of operation of hours on the sight to daylight except in extreme emergencies; 9) That dust control will be strictly applied and monitored; 10) That sediment ponds shall be properly maintained and monitored; 11) The areas north of the berm shall be sloped toward the roadway; 12) The existing gate and fencing on Hines Chapel Road will be removed; 13) The existing berms will be raised 3’ on the eastern end and 6’ on the western end and be extended in each direction to the property lines; 14) Leyland Cypress, Bradford Pear, longleaf pine and scattered dogwood trees with azaleas in the foreground will be planted adjacent to Hines Chapel Road and or property lines where landscaping is required.”

Councilmember Vaughan thereupon moved to amend the ordinance to add the above conditions. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Mr. Isaacson stated that staff had advised a special use permit would be needed for the proposed land use. He spoke to the original conditions and need to add the above proposed conditions. He spoke to an estimated decrease in truck traffic.

At Mr. Isaacson’s request, Frank Coggins, Landfill Manager for the Department of Environmental Services, spoke to changes that the ordinance would address.

Phil Shaw, residing at 3256 Hines Chapel Road, stated that through meetings, communication and compromise, the neighbors had agreed to the annexation plan with the understanding that the City would purchase the property in question and that the amendment would apply as proposed. He requested Council to approve the amendment and thanked the Solid Waste Management Department and Mr. Coggins for their assistance in determining the best land use. He expressed appreciation for the reclaiming of the property to a natural state buffer protected from future misuse.

Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of the Council.

Mr. Martin provided the following staff recommendation:

The property is currently Agricultural by the County and this classification would be established by the City which would allow a Special Use Permit to be granted for use of the property.

We recommend the special use permit be granted. The conditions offered by the applicant insure that this tract cannot be used for solid waste disposal.

The property is proposed for establishment of original zoning to Agricultural and this zoning classification permits mining and quarrying activities with approval of a Special Use Permit.

From a safety standpoint, no borrow dirt will be transported on any public street adjacent to this property.

Furthermore, the conditions have addressed visual concerns by requiring remedial work for the existing berm along Hines Chapel Road, in addition to the installation of a second berm.

Additionally, the existing gate and fencing on Hines Chapel Road will be removed and no entrance to or exit from the landfill will be permitted on this road.

The conditions have addressed visual concerns by requiring remedial work for the existing berm along Hines Chapel Road, in addition to the installation of a second berm.

The berm will be raised and extended to the property lines and additional plantings will be placed along Hines Chapel Road and property lines where planting is required to help screen activities on this site.

Furthermore, provisions have been added which will limit hours of operation, provide for dust control measures, and assure proper maintenance of sediment ponds will be performed.

The Planning Department recommends that all three items be approved.

The City Manager thanked staff for their diligent work with the neighbors to achieve these results.

Councilmember Johnson thereupon moved adoption of the ordinance annexing territory located on the south side of Hines Chapel Road, east of McKnight Mill road, to the corporate limits. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-83 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE SOUTH SIDE OF HINES CHAPEL ROAD, EAST OF MCKNIGHT MILL ROAD – 45.905 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the southern right-of-way line of Hines Chapel Road (S.R. 2824), said point being the northeastern corner of the property of Joe B. Chandler and wife as recorded in Plat Book 73, Page 74 in the Office of the Guilford County Register of Deeds; thence along said southern right-of-way line the following four courses and distances: (1) N89°16'30"E 103.12 feet to a point, (2) N84°07'30"E 182.54 feet to a point, (3) N81°59'E 120.00 to a point, and (4) N80°57'30"E 153.82 feet to a point; thence along the western property line of Hines Chapel Baptist Church S08°32'20"E 964.67 feet to a point; thence along the southern line of Hines Chapel Baptist Church N79°24'50"E 201.60 feet to a point; thence N08°29'50"E 124.88 feet to a point in the center of North Buffalo Creek; thence along the center of said North Buffalo Creek the following sixteen courses and distances: (1) S48°28'40"W 82.86 feet to a point, (2) S29°05'30"W 482.12 feet to a point, (3) S04°19'40"E 93.00 feet to a point, (4) S04°43'40"W 177.42 feet to a point, (5) S42°20'20"W 115.76 feet to a point, (6) S11°33'50"W 109.26 feet to a point; (7) S25°30'50"W 188.93 feet to a point; (8) S47°59'40"W 157.90 feet to a point; (9) S88°13'10"W 37.11 feet to a point; (10) N52°51'50"W 171.07 feet to a point; (11) S80°03'20"W 110.49 feet to a point; (12) S28°31'40"W 145.61 feet to a point; (13) S50°41'30"W 43.39 feet to a point; (14) S89°02'10"W 43.37 feet to a point; (15) N75°49'W 201.89 feet to a point; (16) N61°42'30"W 117.20 feet to a point; thence along the eastern property line of David Dick N04°56'E 1719.62 feet to a point; thence along the southern property line of Joe B. Chandler and wife N79°29'50"E 312.33 feet to a point; thence along the eastern property line of Joe B. Chandler and wife N06°26'30"W 398.28 to the point of BEGINNING.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2000.

(Signed) Yvonne Johnson

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Councilmember Carmany moved adoption of the ordinance amending official zoning map, south side of Hines Chapel Road between McKnight Mill Road and Rankin Mill Road. The motion was seconded by Councilmember D. Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-84 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF HINES CHAPEL ROAD BETWEEN McKNIGHT MILL ROAD AND RANKIN MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning Agricultural uses for the area described as follows:

BEGINNING at a point in the southern right-of-way line of Hines Chapel Road (S.R. 2824), said point being the northeastern corner of the property of Joe B. Chandler and wife as recorded in Plat Book 73, Page 74 in the Office of the Guilford County Register of Deeds; thence along said southern right-of-way line the following four courses and distances: (1) N89°16'30"E 103.12 feet to a point, (2) N84°07'30"E 182.54 feet to a point, (3) N81°59'E 120.00 to a point, and (4) N80°57'30"E 153.82 feet to a point; thence along the western property line of Hines Chapel Baptist Church S08°32'20"E 964.67 feet to a point; thence along the southern line of Hines Chapel Baptist Church N79°24'50"E 201.60 feet to a point; thence N08°29'50"E 124.88 feet to a point in the center of North Buffalo Creek; thence along the center of said North Buffalo Creek the following sixteen courses and distances: (1) S48°28'40"W 82.86 feet to a point, (2) S29°05'30"W 482.12 feet to a point, (3) S04°19'40"E 93.00 feet to a point, (4) S04°43'40"W 177.42 feet to a point, (5) S42°20'20"W 115.76 feet to a point, (6) S11°33'50"W 109.26 feet to a point; (7) S25°30'50"W 188.93 feet to a point; (8) S47°59'40"W 157.90 feet to a point; (9) S88°13'10"W 37.11 feet to a point; (10) N52°51'50"W 171.07 feet to a point; (11) S80°03'20"W 110.49 feet to a point; (12) S2831'40"W 145.61 feet to a point; (13) S50°41'30"W 43.39 feet to a point; (14) S89°02'10"W 43.37 feet to a point; (15) N75°49'W 201.89 feet to a point; (16) N61°42'30"W 117.20 feet to a point; thence along the eastern property line of David Dick N04°56'E 1719.62 feet to a point; thence along the southern property line of Joe B. Chandler and wife N79°29'50"E 312.33 feet to a point; thence along the eastern property line of Joe B. Chandler and wife N06°26'30"W 398.28 to the point of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Councilmember Johnson moved adoption of the ordinance establishing zoning for special use mining, as amended, based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because a condition prohibits transportation of borrow dirt on any public street or roadway adjacent to this property.
- 2) That the use will meet the restrictions imposed by the applicant which address transportation of borrow dirt on public streets, prohibition of use for solid waste disposal, requiring remedial work to the existing berm on the property, removal or spreading the mound of stone at the gate entrance, and requiring a second berm to be built.
- 3) The use will not substantially injure the value of adjoining or abutting property because the property cannot be used for solid waste disposal.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the proposed conditions are designed to help buffer the use of the property from the adjacent properties on Hines Chapel Road.

The motion was seconded by Councilmember Phillips; the ordinance as amended was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-85 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT

SOUTH SIDE OF HINES CHAPEL ROAD BETWEEN McKNIGHT MILL ROAD AND RANKIN MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for mining and quarrying activities in an Agricultural District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at a point in the southern right-of-way line of Hines Chapel Road (S.R. 2824), said point being the northeastern corner of the property of Joe B. Chandler and wife as recorded in Plat Book 73, Page 74 in the Office of the Guilford County Register of Deeds; thence along said southern right-of-way line the following four courses and distances: (1) N89°16'30"E 103.12 feet to a point, (2) N84°07'30"E 182.54 feet to a point, (3) N81°59'E 120.00 to a point, and (4) N80°57'30"E 153.82 feet to a point; thence along the western property line of Hines Chapel Baptist Church S08°32'20"E 964.67 feet to a point; thence along the southern line of Hines Chapel Baptist Church N79°24'50"E 201.60 feet to a point; thence N08°29'50"E 124.88 feet to a point in the center of North Buffalo Creek; thence along the center of said North Buffalo Creek the following sixteen courses and distances: (1) S48°28'40"W 82.86 feet to a point, (2) S29°05'30"W 482.12 feet to a point, (3) S04°19'40"E 93.00 feet to a point, (4) S04°43'40"W 177.42 feet to a point, (5) S42°20'20"W 115.76 feet to a point, (6) S11°33'50"W 109.26 feet to a point; (7) S25°30'50"W 188.93 feet to a point; (8) S47°59'40"W 157.90 feet to a point; (9) S88°13'10"W 37.11 feet to a point; (10) N52°51'50"W 171.07 feet to a point; (11) S80°03'20"W 110.49 feet to a point; (12) S2831'40"W 145.61 feet to a point; (13) S50°41'30"W 43.39 feet to a point; (14) S89°02'10"W 43.37 feet to a point; (15) N75°49'W 201.89 feet to a point; (16) N61°42'30"W 117.20 feet to a point; thence along the eastern property line of David Dick N04°56'E 1719.62 feet to a point; thence along the southern property line of Joe B. Chandler and wife N79°29'50"E 312.33 feet to a point; thence along the eastern property line of Joe B. Chandler and wife N06°26'30"W 398.28 to the point of BEGINNING.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Any borrow dirt taken from this property shall not be transported on any public street or roadway adjacent to this property.
- 2) The property shall not be used for solid waste disposal.
- 3) Petitioner will, if it has not already done so, fill in the dip in the existing berm on the property along Hines Chapel Road to match the height of the rest of the berm, leaving in place the existing trees along the berm on Hines Chapel Road. Berm will be of similar quality to existing berms along Nealtown Road.
- 4) Petitioner will, if it has not already done so, remove or spread the mound of stone at the gate entrance to the property.
- 5) Petitioner will, if it has not already done so, build a second berm 60 feet long, to the south of the existing berm across the present entrance to the property, with the northeast corner of the second berm approximately 25 feet from the southern base of the existing berm and the northwest edge of the second berm approximately 62 feet from the existing gate at the northwest corner of the property.
- 6) A one hundred foot wide vegetative buffer will be established along the eastern, northern and western boundaries of the subject property consisting of grass, leyland cypress and pine trees as well as decorative shrubbery along Hines Chapel Road.

Section 3. For use as mining and quarrying activities, this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Yvonne Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for water main improvements on Brigham Road from West Market Street (US 421) to Pleasant Ridge Road; he stated this matter was being continued from the 2 May 2000 meeting of Council.

The Mayor asked if anyone wished to speak to this matter.

The Manager stated that previous concerns had been resolved.

Following brief discussion and there being no one wishing to be heard, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

B-323 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

BRIGHAM ROAD FROM WEST MARKET STREET (US 421) TO PLEASANT RIDGE ROAD

WHEREAS, on the 3rd day of September, 1996, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Water Main Improvements. That a water main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including sewer laterals where none exist and sewer main has been installed) be laid for the property connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

BRIGHAM ROAD

West Market Street/U.S. Hwy. 421 to \pm 1200' North of West Market /U.S. Hwy. 421

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 5:30 p.m., on the 2nd day of May, 2000, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Earl Jones

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances to allow required off-street parking to be located across an intervening major or minor thoroughfare for colleges and universities, hospitals, convention centers, coliseums, stadiums and other major public or institutional facilities.

Mayor Holliday asked if anyone wished to speak to this matter.

There being no one wishing to speak to the matter, Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-86 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-5-3.5, Location, is hereby amended by adding the following underlined phrase at the end of the second sentence in subsection (A):

30-5-3.5 Location

- (A) Off-site Parking Lots: When required off-street parking is permitted to be located off-site, it shall begin within four hundred (400) feet of the zone lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare unless it is in conjunction with colleges or universities, hospitals, convention centers, coliseums, stadiums, or other major public or institutional facilities in which case measures approved by the Greensboro Department of Transportation and Greensboro Planning Department shall be provided to insure pedestrian safety. Property not under the same ownership shall be subject to a parking encumbrance agreement (approved by the Enforcement Officer) recorded in the County Register of Deeds Office and a copy filed with the Enforcement Officer.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Earl Jones

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The Mayor declared a ten minute recess at 7:30 p.m.
The Council reconvened at 7:40 p.m. with all members present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-15 Residential Single Family to Conditional Use – Limited Office for property located on the north side of West Cone Boulevard between Cleburne Street and Saint Regis Road. He stated that this matter was being heard on appeal filed by Jerone Pearson after receiving a 4-2-1 vote by the Zoning Commission to recommend denial of the rezoning.

The Mayor administered the oath to those who wished to speak to the matter.

Mr. Martin described the property, presented slides and a land use and zoning map of the property and surrounding area. He provided the following staff presentation:

This request is to rezone property from RS-15 Residential Single Family to Conditional Use – Limited Office.

The RS-15 District is primarily intended to accommodate single family detached dwellings at a density of 2.5 units per acre or less.

The Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative, and government office uses on small to mid-sized sites near residential areas.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All uses in the Business, Professional and Personal Services category of the LO Zoning District with the exception of Tourist Homes (Bed and Breakfast).
- 2) All buildings shall be one story in height with attic storage area.
- 3) All buildings shall be of brick construction.
- 4) A maximum of two 40-foot curb cuts on Cone Boulevard.
- 5) Any dumpster shall be screened with brick construction with wood gates.

- 6) A maximum of one freestanding sign.
- 7) The front of the parking area shall be located below street grade.
- 8) Both entrances to the parking area shall be accented with red brick type panels.

Mr. Martin stated that the Planning Department and Zoning Commission had recommended denial of the request.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 2.6 acres and is located on the north side of West Cone Boulevard between Cleburne Street and Saint Regis Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-15	Vacant
North	RS-15	Drainageway & open space Mendenhall School
East	RS-15	City raw water line, drainageway & open space
South	RS-12	West Cone Boulevard
West	RS-15	Drainageway & open space

Mr. Martin stated the Planning Department and Zoning Commission recommended denial of the request. He presented slides of the property and surrounding area.

The Mayor asked if anyone wished to be heard.

Jerone Pearson, residing at 3402 Wynnewood Drive, requested Council to consider adding the following new conditions: "1) All buildings shall be one story in height with attic space for storage; 2) All buildings shall be brick veneer construction, being residential in exterior appearance; 3) The project will have a single entrance to and from West Cone Boulevard. The entrance will be located in a position and leveled by sufficient line of sight to meet the requirements of City of Greensboro Traffic Department. This condition will be verified through technical review committee; 4) The dumpster enclosure shall be brick walls and wood gates. The 800 West Cone Blvd location sign will be placed on the exterior of the dumpster. The exterior lighting will be post and globe style Williamsburg design. The project will not have any additional flood type lighting but could.

For illustrative purposes, Mr. Pearson presented renderings of the proposed development. The City Attorney reminded Council that this could not be considered as a basis for the rezoning and was for illustrative purposes only.

Councilmember Perkins thereupon moved to accept the additional conditions. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

The City Attorney advised the Council that they could not consider a specific use as the basis of their decision, but would need to consider all the uses that would be allowed under the proposed rezoning.

Wiley Sykes, Jr. stated that he was one of the owners of the subject property. He spoke to the history and current status of land use for the property and surrounding area, and requested Council to approve the rezoning request.

Also speaking in favor of the proposed development were: Christopher C. Farland, residing at 2904 St. Regis Road; William C. Murray, Jr., residing at 1815 Beechtree Road; Bob Mays, residing at 807 Blanton Place;

George Carr, residing at 2310 Princess Ann Street; Rober Erskine, with offices located at 3406 A. West Wendover Ave.; Thomas L. O' Conner, residing at 3504 Watauga Drive; Jack Sykes, address unknown; Michael Murray, residing at 3 Bryan Court; and Vernon Powell, residing at 1833 Banking Street. They shared their opinions with respect to best land use for the property, an opportunity to comply with infill development practices, and the level of appropriateness of the location for the proposed development.

The speakers in favor of the rezoning shared their opinions with respect to planned business use, qualities of the proposed development, compatibility with the neighborhood and what constituted the highest land use of the property.

David Hudgins, residing at 2000 Cleburne Street, spoke in opposition to the proposed rezoning. At Mr. Hudgins request, a number of citizens stood to indicate to the Council their opposition to the rezoning. Also speaking in opposition were Mary C. Eubanks, residing at 109 Elmwood Terrace; Eugene Purdon, residing at 2204 Carlisle Road; Jim Baynard, residing at 619 Kimberly Drive; Cooper Trotter, residing at 2114 Cleburne Street; Gary Moore, residing at 618 Kimberly Drive, Johnathan Harkavy, residing at 609 Rockford Road. The speakers stated that this rezoning would constitute spot zoning and expressed concern that this rezoning could set a precedent for commercial zoning of other existing vacant land in the neighborhood which would create potential additional traffic problems for the area. They requested Council to deny the rezoning request.

The City Attorney advised that due to a newly established legal precedent, the speakers could question the opposing side during their rebuttal. After additional discussion by speakers which addressed spot zoning, traffic and storm water; Jim Westmoreland, Acting Director of the Department of Transportation and Scott Bryant of the Environmental Services Department, addressed respective concerns.

Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be denied.

Other than residential development of this property, staff feels that Limited Office is as good as one could hope for.

However, staff does feel that office development of this site would be incompatible with the existing zoning and development in this area.

The nearest nonresidential zoning to the west is at the intersection of Cone Boulevard and Lawndale Drive and the nearest nonresidential zoning to the east is Page High School east of Cone and North Elm Street.

There is a large tract of vacant land on the opposite side of Cone Boulevard and staff is concerned about the precedent that approval of this rezoning request would have for the future of that property.

This proposal can definitely be viewed as spot zoning.

Furthermore, staff is concerned with the potential of having higher traffic volumes that would be entering the curving Cone Boulevard at this location and the potential health and safety conflicts that will arise as a result.

Adequate sight distance does not currently exist to permit a curb cut.

Councilmember Phillips thereupon made a motion to deny the ordinance rezoning this property to Conditional Use-Limited Office based on the following findings of fact:

- 1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because office development and its associated increase in traffic will be incompatible with the existing zoning and land use in the area, and because higher traffic volumes entering West Cone Boulevard at this location will create potential health and safety conflicts.

The motion was seconded by Councilmember Carmany; the ordinance was Defeated on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Perkins, Phillips, Vaughan and Vaughan. Noes: Jones.

(A copy of the ordinance as introduced and defeated is filed in Exhibit Number N, Drawer Number 9, and is hereby referred to and made a part of these minutes.)

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional Use-General Business for property located on the north side of Pisgah Church Road between Trull Avenue and Martinsville Road; he stated that this matter was being heard on appeal filed by Charles E. Melvin, Jr. after receiving a 4-2 vote by the Zoning Commission to recommend denial of the rezoning.

The Mayor administered the oath to those who wished to speak to the matter.

Mr. Martin provided the following staff presentation:

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – General Business.

The RS-9 District is primarily intended to accommodate single family detached dwellings at a density of 4.0 units per acre or less.

The General Business District is primarily intended to accommodate a wide range of retail, service, and office uses.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All uses permitted in the General Business District, except the following: a) Any use, except a drugstore, that has a drive-through window; and b) Any use that has outside storage or display of goods, equipment, vehicles or materials.
- 2) Maximum of two buildings having a total gross floor area of 20,000 square feet.
- 3) Freestanding signs requiring a permit shall be limited to monument signs no more than eight (8) feet high.
- 4) There shall be provided and maintained a buffer along the western portion of the property, having an average width of 75 feet, with minimum average width of 30 feet, and no less than 10 feet along the interior portion of the property, and no less than 110 feet at Pisgah Church Road and Trull Avenue.
- 5) The property owner will cooperate with Greensboro's Urban Forester to preserve existing trees in the buffer and supplement existing vegetation with a Type A planting rate.
- 6) Lighting fixtures will have a maximum height of 20 feet and shall be directed away from residential areas.
- 7) There shall be a maximum of one curb cut on Pisgah Church Road at a location approved by Greensboro Department of Transportation. This access shall not have a left turn capability and shall contain acceleration and deceleration lanes and a median with a design as approved by Greensboro Department of Transportation.
- 8) There shall be a maximum of two (2) curb cuts on Martinsville Road at locations approved by Greensboro Department of Transportation. The access closest to Pisgah Church Road shall have full-turn capability. The access closest to Joan Avenue shall have only right-turn capabilities. This access will not be developed until the northern portion of the property is developed.

Mr. Martin described the property and surrounding area, presented a land use and zoning map.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 4.8 acres and is located on the north side of Pisgah Church Road between Trull Avenue and Martinsville Road.

Zoning

Land Use

Subject Property	RS-9	Seven single family dwellings
North	RS-9 GO-M CU-GO-M HB	Single family dwelling Regional Acceptance Corporation Chiropractor Gasoline service station
East	CU-HB HB	Restaurant Dry cleaner, automated teller machine and gasoline service station
South	RS-9	Two single family dwellings
West	RS-9	Five single family dwellings

Mr. Martin presented slides of the property and surrounding area. He stated that the Planning Department and the Zoning Commission recommended denial of the rezoning request.

The Mayor asked if anyone wished to be heard.

Mayor Holliday left the Chamber at 9:25 p.m. Mayor Pro Tem Johnson assumed the chair.

Charlie Melvin, attorney with offices located at 300 North Greene Street, spoke in support of the rezoning requested Council to consider adding the following condition to amend the proposed ordinance by changing “there shall be provided and maintained a buffer along the western portion of the property having an average width of 75 feet by replacing minimum with average and changing the specification to a minimum width of 30 feet.”

Councilmember D. Vaughan moved that the condition be added to amend the ordinance. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of the Council.

Mr. Melvin requested Council to add the following condition: “The primary building material for all exterior surfaces of all buildings constructed on the property shall be brick.”

Councilmember Vaughan moved that the condition be added to the ordinance. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council.

The Mayor returned to the Chamber at 9:28 p.m. and assumed the chair.

Also speaking in support were, Evangeline Cirba, residing at 2205 Pisgah Church Road; Elizabeth C. Moose, residing in Gettysburg, PA; and Randy Goddard; residing in Charlotte, NC. They spoke to traffic engineering studies, presented their opinions with respect to compatibility and benefits of the proposed rezoning, and requested Council to adopt the ordinance.

Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be denied.

Staff has met several times with the applicant concerning development of conditions for this application.

Many of the Planning Department’s suggestions have been incorporated as restrictions in this request.

Furthermore, the applicant has complied with the requirement to provide a Traffic Impact Study which has been reviewed by GDOT. Conditions 7 and 8 reflect concerns that were identified and addressed as a result of the study.

However, the Planning Department cannot support a commercial rezoning at this location from a land use compatibility standpoint and based upon a recommendation contained in the Pisgah Church Road/Lees Chapel Road Corridor Study.

This recommendation stated that “there needs to be a strict zoning policy between Martinsville Road and Battleground Avenue with zero tolerance for commercial rezonings. The strict zoning policy is necessary in order to preserve the buffer function of the Residential and Public/Institutional Districts between the two commercial nodes at Battleground Avenue and Lawndale Drive/Martinsville. This would prevent the possibility of strip development between these two nodes.”

Staff feels this recommendation still has considerable merit and, thus, recommends that this request be denied.

Following brief discussion, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of the Council.

Councilmember Carmany moved that the ordinance, as amended, rezoning this property to Conditional Use – General Business be denied based on the following findings of fact:

- 1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the Pisgah Church Road/Lees Chapel Road Corridor Study specifically states that there needs to be a strict zoning policy between Martinsville Road and Battleground Avenue with zero tolerance for commercial rezonings. This strict zoning policy is necessary in order to preserve the buffer function of the Residential and Public and Institutional Districts between the two commercial nodes at Battleground Avenue and Lawndale Drive/Martinsville. This would prevent the possibility of strip development between these two nodes.

The motion was seconded by Councilmember N. Vaughan; the ordinance was defeated on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: Burroughs-White.

(A copy of the ordinance as introduced and defeated is filed in Exhibit Number N, Drawer Number 9, and is hereby referred to and made a part of these minutes.)

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The Mayor declared a recess at 9:50 p.m.
The Council reconvened at 10:00 p.m. with all members present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RM-18 Residential Multifamily to Conditional Use-Light Industrial for property located on the north side of Creek Ridge Road south of Interstate 40 and northeast of Earl Drive. He stated that this matter was being heard on appeal filed by Marck Medder after receiving a 6-1 vote by the Zoning Commission to recommend approval of the rezoning.

The Mayor administered the oath to those who wished to speak to the matter.

Mr. Martin provided the following staff presentation:

This request is to rezone property from RM-18 Residential Multifamily to Conditional Use – Light Industrial.

The RM-18 District is primarily intended to accommodate multifamily uses at a density of 18.0 units per acre or less.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to warehousing/storage/distribution and accessory uses, including moving and storage services.
- 2) No new billboards shall be permitted on the property.

Mr. Martin described the property and presented a map of the surrounding land use and zoning.

This property consists of approximately 18.0 acres and is located on the north side of Creek Ridge Road south of Interstate 40 and northeast of Earl Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RM-18	Vacant land with one billboard
North	RS-9, LI	Interstate 40 right-of-way
East	LI	Harland
South	LI	Harland
	RM-18	Village Park Mobile Home Park
West	RM-18	Village Park Mobile Home Park
	CU-LI	Vacant land

He stated that the Planning Department and Zoning Commission recommended approval of the request and presented slides of the property and surrounding area.

The Mayor asked if anyone wished to be heard.

Charlie Melvin, attorney with offices located at 300 North Greene Street and representing the applicant, spoke to the history and characteristics of the property and requested on behalf of the applicant, for Council to approve the rezoning request.

There being no one else wishing to speak to the matter, Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be approved.

This request is actually smaller in area than what appears on the map since about six acres occurs in road right-of-way.

Also, a portion of the remainder is undevelopable since it is in floodplain.

This property is bordered on the east and west by light industrial zoning with Interstate 40 located to the north.

Staff feels that warehousing, storage and distribution is a reasonable land use for this tract.

Any necessary road improvements which the applicant may be responsible for will be examined at the site plan stage.

Approval of this rezoning request will even up the zoning pattern as it relates to Interstate 40 in this area.

Councilmember D. Vaughan moved to close the public hearing. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

Councilmember Perkins moved that the ordinance rezoning this property to Conditional Use – Light Industrial be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential development of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because much of the property is adjacent to Light Industrial zoning and the interstate is located to the north.
- 3) The location and character of the development in accordance with the proposed conditions will/will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request evens out the zoning pattern in relation to Interstate 40 which is Light Industrial.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-87 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF CREEK RIDGE ROAD SOUTH OF INTERSTATE 40 AND NORTHEAST OF EARL DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RM-18 Residential Multifamily to Conditional Use – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of Interstate 40, said point being at the northwest corner of the property now or formerly of John H. Harland Company; thence along said Harland Company property S00°16'W 330.06 feet to a point; thence S89°17'01"W 329.70 feet to a point at the corner of the property now or formerly of Marck L. Medder; thence along the northern line of said Medder N89°31'02"W 69.11 feet to a point; thence still with the Medder line S16°22'55"E 476.68 feet to a point in the northern right-of-way line of Creek Ridge Road; thence along said right-of-way line S69°15'W 98.64 feet to a point; thence N16°04'38"W 516.10 feet to a point; thence N89°58'04"W 276.71 feet to a point; thence N67°46'17"W 255.11 feet to a point; thence N03°56'36"W 49.74 feet to a point; thence N24°57'49"W 463.81 feet to a point; thence N17°51'37"W 137.85 feet to a point in the southern right-of-way line of Interstate 40; thence along said southern right-of-way line the following courses and distances: S68°35'08"E 262.49 feet to a point; S72°38'57"E 204.95 feet to a point; thence along a curve to the left having a chord bearing and distance of S75°28'31"E 840.71 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to warehousing/storage/distribution and accessory uses, including moving and storage services.
- 2) No new billboards shall be permitted on the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Robbie Perkins

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to General Business for property located at the southwest intersection of Elwell Avenue and East Wendover Avenue . He stated that this matter was being heard on appeal filed by Kent Lively after receiving a 0-6 vote by the Zoning Commission to recommend denial of the rezoning.

The Mayor asked if anyone wished to speak to this matter.

Mr. Martin presented a land use map and slides of the proposed rezoning property and surrounding area.

Kent Lively, attorney with offices located at 423 South Eugene Court, offered his opinion of the demand for the business planned for this location, requested Council to consider the business nature of Wendover Avenue the access to the property from Elwell Avenue, and requested Council to approve the rezoning request. He presented information to Council pertaining to customers of the subject property owner.

Speaking against the rezoning request were Pamela Clark, residing at 720 Willard Street; Geraldine Bennett, residing on Elwell Avenue and B.H. DeGrove, residing at 710 Elwell Avenue. Mr. DeGrove presented to Council information, signatures, and photographs he had presented to the Zoning Commission. The speakers discussed concerns with respect to traffic, property values, the quality of items being sold at the property, and the manner in which the items for sale were stored outside the residence.

Following brief discussion by Council, Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be denied.

There are serious zoning violations which are currently being perpetuated on this lot.

These violations involve the improper placement of a carport and on-going outdoor retail sales activities on this lot.

Zoning Enforcement started to receive complaints on this property in January of this year.

Notices of Violation and Civil Penalties have been issued for these activities.

Since the original complaint, Zoning Enforcement has received numerous complaints about this property and pleas to have the lot cleaned up.

Staff feels that rezoning this property to a commercial classification would be highly incompatible with the surrounding single family uses as well as the residential character of the neighborhood.

The depth and shape of this lot would make it difficult to erect a commercial building on this lot once the thoroughfare and local street setbacks, the setback from residential zoning, the required planting yards, access drives and off-street parking are factored in.

The nearest commercially zoned property is located to the south and is basically oriented toward East Bessemer Avenue.

Staff feels that this is a poor location to initiate commercial zoning from both a land use and an access standpoint.

Following brief discussion, Councilmember D. Vaughan moved to close the Public Hearing. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

Councilmember Phillips thereupon moved the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was defeated on the following roll call vote: Ayes: Burroughs-White. Noes: Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan.

Because Councilmember Burroughs-White stated she had not voted as she had intended, the Clerk was thereupon instructed to clear the voting board. The ordinance was thereupon DEFEATED on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan.

(A copy of the ordinance as introduced and defeated is filed in Exhibit Number N, Drawer 9, and is hereby referred to and made a part of these minutes.)

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The Mayor requested a motion to delete Item 21, a resolution authorizing encroachment agreement with Norfolk Southern Railway Company for the Bledsoe Drive Force Main Project, from the Consent Agenda. He stated this item had inadvertently been placed on this agenda and would be heard at a later date by Council.

Councilmember D. Vaughan moved to delete the resolution. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the Council.

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Moving to the Consent Agenda, the Mayor read the titles of the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$71,910 State and Federal Grant Project Fund Budget for Family Literacy Coordination and Training Project and Family Child Care Outreach Project. (Attachment #18 to Council members)
- Ordinance in the amount of \$12,670 State and Federal Grant Fund for Clayton County, Georgia contribution.

The Mayor requested a motion to adopt all ordinances, resolutions and motions listed on the Consent Agenda. Councilmember Johnson moved adoption of the Consent Agenda. The motion was seconded by Councilmember Jones and was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00- 88 ORDINANCE AMENDING STATE AND FEDERAL GRANT PROJECT FUND BUDGET
FOR FAMILY LITERACY COORDINATION AND TRAINING PROJECT AND FAMILY CHILD
CARE OUTREACH PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget is hereby amended as follows:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5510-01.5413	Consultant Services	\$ 17,000
220-5503-01.4110	Salaries & Wages	29,210
220-5503-01.5413	Consultant Services	4,500
220-5503-01.5239	Miscellaneous Supplies	4,500

220-5503-01.5224	Outside Printing & Publishing	1,000
220-5503-01.5261	Books	<u>15,700</u>
		\$ 71,910

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5510-01.7110	State Grant	\$ 17,000
220-5503-01.7110	State Grant	<u>54,910</u>
		\$ 71,910

(Signed) Yvonne Johnson

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00-89 ORDINANCE AMENDING STATE AND FEDERAL GRANT FUND FOR CLAYTON
COUNTY, GEORGIA CONTRIBUTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3552-01.5520	Seminar/Training	\$12,670

and, that this increase be financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3552-01.8620	Donations & Private Contributions	\$12,670

(Signed) Yvonne Johnson

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81-00 RESOLUTION GRANTING EASEMENT OF PROPERTY ON FEDERAL PLACE OWNED BY THE
CITY OF GREENSBORO TO U.S. GENERAL SERVICES ADMINISTRATION

WHEREAS, U.S. General Services Administration owns certain property located at 320 Federal Place and has requested permission to install bollards in front of the IRS facility as part of an ongoing effort to enhance security at the facility;

WHEREAS, the bollards will be set on three foot centers approximately one foot behind the back of the curb and in line with existing street lights extending the length of the building as shown on the attached map which is made a part hereof;

WHEREAS, in the opinion of the City Council, such encroachment will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to authority contained in Section 4.128(c) of the Charter of the City of Greensboro, U.S. General Services Administration is hereby authorized to encroach in the street right-of-way within the above defined limits.

(Signed) Yvonne Johnson

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82-00 RESOLUTION APPROVING CHANGES IN STATE HIGHWAY SYSTEM STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO

WHEREAS, in reviewing the status of State Highway System Streets with officials of the North Carolina Department of Transportation, it has been determined that Old Randleman Road (S.R. #11040 from Randleman Road (S.R. #1007) south f).)8 miles to Blazingwood Drive, covering a total distance of 0.08 miles, should be deleted from the State Highway System Streets within the corporate limits of the City of Greensboro;

WHEREAS, the said roadway should be deleted from the State Highway System Streets due to the removal of pavement by a developer with permission from the North Carolina Department of Transportation;

WHEREAS, the right of way for the abandoned 0.08 miles, is hereby approved for deletion from the State Highway System and shall become effective upon approval by the North Carolina Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Old Randleman Road (S.R. #1001) from Randleman Road (S.R. #1007) south of 0.08 miles to Blazingwood Drive, covering a total distance of 0.08 miles, is hereby approved for deletion from the State Highway System and shall become effective upon approval by the North Carolina Department of Transportation.

(Signed) Yvonne Johnson

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83-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 00-000501 WITH PROFESSIONAL TURF SERVICES, INC. FOR GILLESPIE PARK GOLF COURSE IRRIGATION INSTALLATION IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Gillespie Park Golf Course irrigation system improvements project;

WHEREAS, Professional Turf Services, Inc. a responsible bidder, has submitted the only bid in the total amount of \$147,896.00 as general contractor for Contract No. 00-000501, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Professional Turf Services, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 101-5003-02.6019 CBR 003.

(Signed) Yvonne Johnson

(A tabulation of bids for contract #00-000501 with Professional Turf Services, Inc. for Gillespie Park Golf Course Irrigation Installation Improvements Project, is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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84-00 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 18, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE NORTH SIDE OF HORSE PEN CREEK ROAD, EAST OF CARLSON DAIRY ROAD – 38.025 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 et seq. of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE NORTH SIDE OF HORSE PEN CREEK ROAD, EAST OF CARLSON DAIRY ROAD – 38.025 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the north right-of-way line of Horse Pen Creek Road and being the southeasternmost corner of Samuel Anderson property as recorded in Deed Book 2159, Page 408 in the Office of the Register of Deeds of Guilford County; thence N 05° 37' 57" E 5.82 feet to an existing iron pipe; thence N 02° 14' 43" E 236.40 feet to an existing iron pipe; thence N 02° 21' 40" E 58.00 feet to an existing iron pipe; thence S 82° 23' 26" W 208.98 feet to an existing iron pipe; thence S 82° 17' 40" W 107.02 feet to an existing iron pipe; thence N 02° 11' 17" E 86.45 feet to an existing iron pipe; thence N 02° 24' 03" E 299.45 feet to an existing iron pipe; thence N 02° 27' 30" E 175.91 feet to an existing iron pipe; thence N 02° 45' 39" E 235.35 feet to an existing iron pipe; thence N 02° 55' 49" E 311.89 feet to an existing iron pipe; thence N 02° 36' 53" E 201.26 feet to an existing iron pipe; thence N 02° 37' 12" E 231.63 feet to a new iron pipe; thence N 82° 07' 04" E 75.13 feet to an existing iron pipe; thence N 82° 07' 04" E 108.79 feet to an existing iron pipe; thence N 82° 04' 12" E 397.15 feet to an existing iron pipe; thence N 82° 02' 14" E 211.98 feet to an existing iron pipe; thence N 82° 01' 07" E 161.26 feet to an existing iron pipe; thence S 00° 37' 45" W 204.16 feet to an existing iron pipe; thence S 00° 40' 20" W 145.44 feet to an existing iron pipe; thence S 00° 41' 26" W 193.44 feet to an existing iron pipe; thence S 00° 39' 31" W 806.54 feet to an existing iron pipe; thence S 00° 40' 20" W 388.60 feet to an existing iron pipe on the north right-of-way line of Horse Pen Creek Road; thence S 85° 55' 32" W 32.36 feet along said right-of-way line to a new iron pipe; thence continuing along said right-of-way line a curve to the left having a radius of 970.39 feet and a chord bearing and distance of S 78° 27' 30" W 328.40 feet to a new iron pipe; thence continuing along said right-of-way line a curve to the left having a radius of 6,360.47 feet and a chord bearing and distance of S 67° 53' 30" W 181.74 feet to an existing iron pipe; thence continuing along said right-of-way line S 66° 58' 26" W 187.96 feet to the point and place of BEGINNING, and containing 38.025 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That July 18, 2000 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 8, 2000.

(Signed) Yvonne Johnson

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85-00 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 18, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF BATTLEGROUND AVENUE (HIGHWAY 220N) – 17.727 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 et seq. of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF BATTLEGROUND AVENUE (HIGHWAY 220N) – 17.727 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a 1” pinched iron in the west right-of-way line of U.S. Highway 220 North (Battleground Avenue), said iron being the northeast corner of the Walter G. Barham property as recorded in Deed Book 1407, Page 247 in the Office of the Register of Deeds of Guilford County, said iron having NAD 83 Grid Coordinates N-874, 901.3694, E-1, 742,875.3751 with a combined factor of .99995 and a reference tie of S 39° 57’ 52” E 2,505.12 feet (Grid) to NCGS monument 229W201; thence from that point of BEGINNING S 88° 57’ 19” W 931.31 feet along Barham’s north line to a 1” iron in the east line of Lot 11 of Laurel Run, Phase 2 as recorded in Plat Book 131, Page 27 in the Office of the Register of Deeds, said point being in the existing Greensboro city limits; THENCE WITH THE EXISTING CITY LIMITS along the east line of said Laurel Run, Phase 2, passing through the corners of Lots 11-17, N 01° 35’ 02” E 626.07 feet to a 1” iron; thence continuing with the east line of said Phase 2 N 00° 33’ 26” E 909.57 feet to a 1 ¼” iron, said iron being the northeast corner of said Phase 2; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and following the south line of property of Howard L. Greene and wife Pansy J. as recorded in Deed Book 2793, Page 445 in the Office of the Register of Deeds S 88° 13’ 21” E 408.67 feet to a new iron in the west right-of-way line of U. S. Highway 220 North; thence with said right-of-way line S 18° 58’ 06” E 211.34 feet to a 1” pinched iron at the northeast corner of the 4057-A North 220 Limited Partnership

property as recorded in Deed Book 4556, Page 1137 in the Office of the Register of Deeds; thence with the north line of said Partnership N 88° 26' 23" W 268.12 feet to a 1" pinched iron at the northwest corner of said Partnership; thence with the west line of said Partnership S 01° 28' 56" W 494.62 feet to a 1" iron pipe at the northwest corner of the 4057-B North 220 Limited Partnership property as recorded in Deed Book 4556, Page 1133 in the Office of the Register of Deeds; thence with the west line of said Partnership S 01° 28' 56" W 196.27 feet to a 1" pinched iron at the southwest corner of said partnership; thence with the south line of said Partnership N 86° 10' 54" E 270.93 feet to a 1" pinched iron; thence continuing with said south line N 61° 47' 57" E 233.57 feet to a new iron in the west right-of-way line of U. S. Highway 220 North; thence with said right-of-way line S 17° 46' 15" E 494.72 feet to a new iron; thence with said right-of-way line S 17° 11' 25" E 292.86 feet to the point and place of BEGINNING, the above-described property being as recorded as Lot 1 on plat of Battleground Campus in Plat Book 136, Page 67 in the Office of the register of Deeds, containing 17.727 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That July 18, 2000 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 8, 2000.

(Signed) Yvonne Johnson

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86-00 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 18, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE NORTH SIDE OF HORSE PEN CREEK ROAD OPPOSITE FOUR FARMS ROAD – 0.459 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE NORTH SIDE OF HORSE PEN CREEK ROAD OPPOSITE FOUR FARMS ROAD – 0.459 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits of the City of Greensboro, said point being in the north right-of-way line of Horse Pen Creek Road and being the southeast corner of Lot 1 of Property of Gaines Corporation, as recorded at Plat Book 76, Page 109 in the Office of the Register of Deeds of Guilford County; thence N 89° 19' W 61.06 feet along said right-of-way line to a point; thence N 69° 53' 30" W 102.41 feet along said right-of-way line to the southwest corner of said Lot 1; thence N 24° 57' 30" E 138.16 feet along the west line of said lot to its northwest corner; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 89° 19' E 100.84 feet along the north line of said lot to its northeast corner; thence S 00° 41' W 160.0 feet along the east line of said lot to the point and place of BEGINNING, being all of said Lot 1 and containing 0.459 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That July 18, 2000 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 8, 2000.

(Signed) Yvonne Johnson

.....

87-00 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 18, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE NORTH SIDE OF RAYLE CREEK – 0.03 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE NORTH SIDE OF RAYLE CREEK – 0.03 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits of the City of Greensboro, said point being in the centerline of Rayle Creek and in the south line of Lot 23 of Forest Manor Farm North, Section II, as recorded at Plat Book 96, Page 114 in the Office of the Register of Deeds of Guilford County; thence N 59° 18' 21" E 104.68 feet along the south line of said Lot 23 to the southeast corner of said lot; thence S 88° 14' 18" E 46.55 feet along the south line of Lot 24 of said Section II to a point in the centerline of Rayle Creek, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the centerline of Rayle Creek as it meanders S 69° 09' 01" W 146.11 feet to the point and place of BEGINNING, and containing 0.03 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2000, the liability for municipal taxes for the 2000-2001 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2001. Municipal ad valorem taxes for the 2001-2002 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That July 18, 2000 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 8, 2000.

(Signed) Yvonne Johnson

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88-00 RESOLUTION ENDORSING GUILFORD COUNTY PARKS AND RECREATION DEPARTMENT'S
TRANSPORTATION ENHANCEMENT GRANT APPLICATION FOR THE BICENTENNIAL
GREENWAY TRAIL WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO

WHEREAS, the Guilford County Parks and Recreation Department is seeking an endorsement to their Transportation Enhancement Grant application to be submitted to the North Carolina Department of Transportation by June 15th, 2000;

WHEREAS, the Transportation Enhancement Grant will assist Guilford County with constructing a 2.99 mile section of the Bicentennial Greenway Trail from Gallimore Dairy Road to West Market Street;

WHEREAS, NCDOT requires all proposed Transportation Enhancement Grant projects to be endorsed by all involved local governing bodies prior to application submission;

WHEREAS, the alignment of this section of the Bicentennial Greenway Trail was coordinated among Guilford County Planning, GDOT and NCDOT;

WHEREAS, a bond recently approved by voters in Guilford County will provide the 25% matching funds;

WHEREAS, the grant application conforms to requirements established by NCDOT and TEA-21;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Transportation Enhancement Grant Application to be submitted by the Guilford County Parks and Recreation Department for the Bicentennial Greenway Trail from Gallimore Dairy Road to West Market Street is endorsed by the City Council of the City of Greensboro.

(Signed) Yvonne Johnson

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89-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-15 WITH DELLINGER, INC. FOR THE MITCHELL FILTRATION PLANT IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for general construction for the Mitchell Filtration Plant improvements project;

WHEREAS, Dellinger, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,977,010.00 as general contractor for Contract No. 2000-15, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Dellinger, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 509-7063-01.

(A tabulation of bids for contract number 2000 with Dellinger, Inc. is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Yvonne Johnson

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90-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-15A WITH VIA ELECTRIC COMPANY FOR THE MITCHELL FILTRATION PLANT IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for electrical construction for the Mitchell Filtration Plant improvements project;

WHEREAS, Via Electric Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$344,715.00 as general contractor for Contract No. 2000-15A, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Via Electric Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 509-7063-01.

(A tabulation of bids for contract number 2000-15A with Via Electric Company is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Yvonne Johnson

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91-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1999-22 WITH MONROE ROADWAYS, INC. FOR THE SOUTH BUFFALO OUTFALL REPLACEMENT, PHASE II IMPROVEMENTS

WHEREAS, Contract No. 1999-22 with Monroe Roadways, Inc. provides for South Buffalo Outfall Replacement, Phase II Improvements;

WHEREAS, existing encasement pipe necessary to support the sewer main underneath the railroad did not meet railroad requirements and during the extension of said pipe, rock was encountered resulting in an increase in the cost, thereby necessitating a change order in the contract in the amount of \$58,400.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Monroe Roadways, Inc. for the South Buffalo Outfall Replacement, Phase II improvements is hereby authorized at a total cost of \$58,400.00, payment of said additional amount to be made from Account No. 509-7057-01.6017 CBR 001.

(Signed) Yvonne Johnson

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Motion to approve report of budget adjustments covering April 11, 2000 – April 30, 2000 was unanimously adopted. (A copy is filed in Exhibit Drawer N, Exhibit Number 1, and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of 2 May 2000, and closed session minutes of 1 June 1999 and 6 July 1999 was unanimously adopted.

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The Mayor introduced a resolution approving expenditure of \$3,000.00 from Council's Contingency Fund to support the Fun Fourth 2000 shuttle service.

Betty Cone, Director of Grass Roots Productions, producer of the Fun Fourth 2000 Festival, requested Council to support the festival by providing funds for shuttle service. She thanked the Council for their ongoing

support.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

92-00 RESOLUTION APPROVING EXPENDITURE OF \$3,000.00 FROM CONTINGENCY FUND TO SPONSOR THE FUN FOURTH 2000 SHUTTLE SERVICE

WHEREAS, in the past the Greensboro Transit Authority has complemented the Fun Fourth Festival by providing shuttle service to the fire works event;

WHEREAS, along with shuttle service to the fire works event this year, the Fun Fourth Committee has also requested GTA provide service to the reenactment event being held at the Blandwood Carriage House;

WHEREAS, it is estimated that the rental of six charter buses and four vans will be required to support the Fun Fourth 2000 shuttle service request;

WHEREAS, the cost of the rental will be \$3,000.00 and due to GTA's budget constraints they are unable to financially support the shuttle service request this year;

WHEREAS, it is deemed in the best interest of the City to support the Fun Fourth Festival shuttle service to insure the success of this important event.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the expenditure of \$3,000.00 from the Contingency Fund to support shuttle service for the Fun Fourth Festival is hereby approved.

(Signed) Yvonne Johnson

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Mayor Holliday introduced a resolution requesting approval for Lead-Based Paint Hazard Control Grant application.

Linda Wilson, program manager for the Housing and Community Development Department, spoke briefly about the grant application.

Following brief discussion, Councilmember N. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

93-00 RESOLUTION REQUESTING APPROVAL FOR LEAD-BASED PAINT HAZARD CONTROL GRANT APPLICATION

WHEREAS, the City of Greensboro Housing Rehabilitation Loan and Grant Programs were duly established and approved by City Council in November 1975; and

WHEREAS, studies indicate that nationwide, more than 890,000 children have excessive amounts of lead in their bodies, that 64 million homes have lead-based paint, and that 20 million homes have conditions that are likely to expose families to unsafe levels of lead; and

WHEREAS, the 1992 Housing and Community Development Act included Title X (“Title Ten”) which represented a sweeping new approach to the lead-based paint problem that required a comprehensive rethinking of the Department of Housing and Urban Development’s (HUD) lead-based paint regulations; and

WHEREAS, HUD determined the practical need to balance cost effective, affordable lead-based paint hazard controls with the duty to protect children living in property that is assisted by the Federal government and will commence implementation of the new lead-based paint regulations, September 15, 2000; and

WHEREAS, HUD instituted the Super Notice of Funding Availability (SuperNOFA) in 1998 to provide for competitive grant applications for 39 HUD grant programs including lead-based paint hazard control; and

WHEREAS, the City of Greensboro has responded to the needs of the community relative to lead-based paint hazard control by preparing a Lead-Based Paint Hazard Control Grant application in the amount of \$3,000,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the City Manager is hereby authorized to submit an application to the Department of Housing and Urban Development (HUD) for a \$3,000,000 Lead-Based Paint Hazard Control Grant.
2. That the conduct of a Lead-Based Paint Hazard Control Program activity in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
3. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a Lead-Based Paint Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
4. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of SuperNOFA Grant activities as referred to above; and (2) to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Nancy Vaughan

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The Mayor introduced a resolution approving the Guilford County Solid Waste Management Plan three-year update.

After Jeryl Covington, Interim Director of Environmental Services, spoke briefly to the proposed resolution, Councilmember D. Vaughan thereupon moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

94-00 RESOLUTION TO APPROVE THE GUILFORD COUNTY SOLID WASTE MANAGEMENT PLAN THREE-YEAR UPDATE

WHEREAS, under NC Statute 130A-309.09A local governments are responsible for evaluating the adequacy of the solid waste services to meet local needs and to protect human health and the environment; and

WHEREAS, the first mandatory three-year update of the Guilford County Solid Waste Management Plan is due on June 30, 2000 and must be approved by resolution prior to submitting it to the state; and

WHEREAS, the City of Greensboro has participated in preparing the solid waste management plan three-year update in cooperation with the other jurisdictions in Guilford County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City of Greensboro hereby approves the Guilford County Solid Waste Management Plan Three-Year Update.

(Signed) Donald R. Vaughan

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After Mayor Holliday introduced a resolution approving bid in the amount of \$408,507.00 and authorizing execution of Contract No. 00-000513 for War Memorial Coliseum Auditorium Dimming System and Switchgear Upgrade Improvements, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

95-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 00-000513 WITH VICK BROTHERS ELECTRICAL COMPANY, INC. FOR WAR MEMORIAL COLISEUM AUDITORIUM DIMMING SYSTEM AND SWITCHGEAR UPGRADE IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the installation of new dimming systems and switchgear infrastructure for the War Memorial Coliseum improvements project;

WHEREAS, Vick Brothers Electrical Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$408,507.00 as general contractor for Contract No. 00-000513, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Vick Brothers Electrical Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 521-7535-06.5613.

(A tabulation of bids for contract number 00-00513 with Vick Brothers Electrical Company, Inc. is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Earl Jones

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The Mayor introduced a resolution authorizing installation of water and sewer lines in Hicone Road under Agreement between City of Greensboro and Guilford County.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

96-00 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG HICONE ROAD AND WATER AND SEWER LINES WITHIN BRIARWOOD SUBDIVISION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of a 12-inch water line along Hicone Road and an 8-inch line water and an 8-inch sewer line within Briarwood Subdivision to serve Briarwood Subdivision, Section 15, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water and sewer lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Earl Jones

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Mayor Holliday introduced a resolution authorizing installation of water and sewer lines in Sharpe Road under Agreement between City of Greensboro and Guilford County.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

97-00 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG SHARPE ROAD AND WATER AND SEWER LINES WITHIN LOCHWOOD SUBDIVISION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch water line along Sharpe Road and an 8-inch water line and an 8-inch sewer line within Lochwood Subdivision to serve Lochwood Subdivision, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water and sewer lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Earl Jones

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The Mayor introduced a resolution approving Joint Governmental Agreement - Randleman Dam Project for Debt Service payments.

Following a brief explanation by the City Manager, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll

call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan.
Noes: None.

98-00 RESOLUTION APPROVING JOINT GOVERNMENTAL AGREEMENT – RANDLEMAN DAM
PROJECT FOR DEBT SERVICE PAYMENTS

WHEREAS, the City of Archdale, City of Greensboro, City of High Point, Town of Jamestown, City of Randleman, Randolph County and the Piedmont Triad Regional Water Authority executed a Joint Governmental Agreement dated September 18, 1987 which established the framework and funding procedures for development of the Randleman Dam Project;

WHEREAS, the 1987 Agreement established a formula for each participant based on the percentage of raw water allocation whereby each local government would appropriate and allocate funds for the construction;

WHEREAS, the relocation of the High Point Wastewater Plant discharge will provide water quality improvements and falls within the scope of the terms “construction of the wastewater bypass” contained in said Agreement;

WHEREAS, the Piedmont Triad Regional Water Authority has requested an \$8 million loan from the North Carolina Local Government Commission to finance the relocation of the High Point Wastewater Plant discharge which in turn will create obligations for debt service payments by the Authority;

WHEREAS, the entering of this Agreement shall confirm the understanding that the “annual operating requirements of the Authority as set forth in Section 1, page 4 of the 1987 Joint Intergovernmental Agreement shall be construed to include, among other costs, debt service payment on the \$8 million loan for relocation of the High Point Wastewater Treatment Plant discharge;

WHEREAS, it is deemed in the best interest of the City to enter into the Joint Governmental Agreement for the relocation of the High Point Wastewater Treatment Plant discharge, and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a Joint Governmental Agreement Randleman Dam Project for Debt Service Payments is hereby approved and the City Clerk and Mayor are hereby authorized to execute said Agreement on behalf of the City.

Signed (Claudette Burroughs-White)

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The City Manager stated that there was an addendum to the agenda for Council’s consideration in the form of a resolution approving acceptance of state loan for the T.Z. Osborne Wastewater Treatment Facility Phase IV Improvements.

Following brief remarks by the Manager, Councilmember Jones moved the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

99-00 RESOLUTION APPROVING ACCEPTANCE OF STATE LOAN FOR THE T.Z. OSBORNE
WASTEWATER TREATMENT FACILITY PHASE IV IMPROVEMENTS

WHEREAS, on October 19, 1999, Council Resolution 188-99 authorized application for procurement of Federal Funds under the Federal Clean Water Act Amendments of 1987, for the T.Z. Osborne Wastewater Treatment Facility Phase IV improvements;

WHEREAS, on January 18, 2000, Council authorized and approved Contract Nos. 2000-06 and 07 for solids handling improvements and standby power improvements to the T.Z. Osborne Water Reclamation Facility;

WHEREAS, on April 4, 2000, Council passed an Ordinance in the amount of \$4,202,675.00 appropriating funds for the expenditures of the above two contracts;

WHEREAS, the City has received the Offer and Acceptance from the State for a loan on this project and said Offer is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Offer and Acceptance for State Loan Project No. E-SRF-T-00-0103 in the amount of \$4,202,675.00 is hereby approved and the City Manager is hereby authorized to execute said Offer and Acceptance Contract on behalf of the City.

(Signed) Earl Jones

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Council discussed various recent and upcoming community events.

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Councilmember D. Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:02 P.M.

SUSAN E. CROTTS
DEPUTY CITY CLERK

KEITH A. HOLLIDAY
MAYOR

YVONNE J. JOHNSON
MAYOR PRO TEMPORE
